

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BCT040214/EN	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2005/000002	International filing date (day/month/year) 03.01.2005	Priority date (day/month/year) 08.01.2004
International Patent Classification (IPC) or national classification and IPC G07B17/00		
Applicant E BOX SARL		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages _____ as originally filed/furnished
- pages* 1-19 received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-13 received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets _____ as originally filed/furnished
- sheets* 1/2, 2/2 received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-13</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-13</u>	NO
Industrial applicability (IA)	Claims	<u>1-13</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. Reference is made to the following documents:			
D1:	US 4 836 352 A (TATENO KUNIO ET ALINÉA) 6 June 1989 (1989-06-06)		
D2:	DE 100 00 830 A (CLAUSEN OLAF) 26 July 2001 (2001-07-26)		
D3:	US 2003/226883 A1 (LIPHARD ROBIN G) 11 December 2003 (2003-12-11)		
D4:	YOUSSEF BELGNAOUI: "Une consigne mutualisée pour la livraison de colis" INDUSTRIES ET TECHNOLOGIES, [Online] vol. 844, January 2003 (2003-01), pages 13-13, XP002291680 INNOVATIONS. Downloaded from Internet: URL:http://www.e-box.fr/ebox/actualites/03_0101-industrie_et_technologies.pdf>; [downloaded 2004-08-06]		
D5:	FANNY MILCENT BAUDOIN: "Consignes anti-vol: E-Box dépose un nouveau brevet" FRANCE SONT, [Online] vol. 29, 15 September 2003 (2003-09-15), pages 7-7, XP002291681 Downloaded from Internet: URL:http://www.conicyt.cl/conosur/FranceST29.pdf>; [downloaded 2004-08-06]		
1.1	The applicant's correspondence of 12/12/2005 mainly		

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contains argumentation with regard to D1. It does not contain argumentation relating to the combination of D4 and D5.

1.2 The examiner agrees with regard to the additional difference detected between the subject matter of claim 1 and D1, which is characterised in that the management unit is suitable for:

- controlling the locking of the door of said locker subsequent to the payment of the calculated franking charge.

1.3 However, the examiner does not agree with the argumentation in the applicant's correspondence of 12/12/2005, page 4, paragraph 1, with regard to the problem of retrieving the parcel during the franking operation. To a person skilled in the art it is clear that the user of the franking system of D1 can retrieve his or her parcel at any moment (cf. D1, figures 4A-4D, S24, S44, S36, S54, S58, S66, S72, "CANCEL BUTTON PUSHED?") while having the advantage of preventing the possibilities for fraud.

2. INDEPENDENT CLAIM 1

2.1 D1 describes (the references between parentheses apply to said document):

a parcel franking device (column 1, lines 1 to 12 and 45 to 51) characterised in that it comprises:

- a plurality of lockers, each of which is provided with a door, for containing parcels (column 2, lines 4 to 5, 18);

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	<ul style="list-style-type: none">- a management unit (abstract, column 4, lines 44 to 48, main controller);- bolts (column 1, lines 18 to 24) each of which is suitable for locking a door and being individually controlled by the management unit;- position sensors (figure 1, lock driver 66, lock mechanism 64) each of which is associated with a door and is capable of informing the management unit when the corresponding door is in the closed position;- at least one weight sensor (figure 1, weight sensor 54) for transmitting to the management unit an indication of the weight of a parcel placed in one or other of the lockers;- and display means (column 1, lines 1 to 24 and figure 1, CRT display), data input means (plates 52) and payment means (card reader, coin recognition), said means being connected to the management unit; <p>and characterised in that the management unit (11) is suitable for:</p> <ul style="list-style-type: none">- performing a calculation (column 1, line 48, calculate) of a franking charge of a parcel placed in a predetermined locker, on the basis of the data provided by the input means (destination) and the indication of the weight of said parcel transmitted by the weight sensor, when a position detector associated with a door of said predetermined locker detects a closed position. <p>Consequently, the subject matter of claim 1 differs from the device known from D1 in that the management</p>

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unit is suitable for:

- controlling the locking of the door of said locker subsequent to the payment of the calculated franking charge;
- keeping the door of said locker locked until the management unit recognises a parcel retrieval code, provided thereto by the data input means.

However, the moment at which the closed door of a locker is locked

- whether subsequent to the payment of the calculated franking charge,
- or a few seconds after receipt of the "door closed" signal

only has the technical effect of a slightly different use (use of a "cancel button" or opening of the unlocked door to cancel the franking operation) with regard to the possibilities for fraud or retrieval of the parcel during the franking operation in the two systems analysed.

The use of codes to open the doors of a device provided with a plurality of lockers is known from the prior art; see for example:

- D2, column 3, lines 24 to 27, PIN code;
- D4, column 2, confidential code;
- D5, paragraph 2, confidential code.

A person skilled in the art would adapt the system known from D1 (since 1989) so as to enable operation without master keys and thereby increase the flexibility of the system for the person emptying the

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locker, without an inventive step being involved.

2.2 The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not involve an inventive step as defined by PCT Article 33(3).

2.3 Furthermore, the device described in D4 and D5 discloses all the technical features of the subject matter of claim 1.

Even though the administrative procedure for payment is reversed,

- a franking charge is calculated (in the subject matter of claim 1);
- and the order is paid for at the terminal (in D4), the technical system involved is one and the same. This feature (calculating a franking charge) has nevertheless already been used for the same purpose in an equivalent system (see D1, column 1, lines 45 to 51). It is obvious for a person skilled in the art to apply this feature, with a corresponding effect, in a device according to D4/D5 and thereby obtain a device according to claim 1.

2.4 The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not involve an inventive step as defined by PCT Article 33(3).

3. INDEPENDENT CLAIM 5

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3.1	<p>The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not involve an inventive step as defined by PCT Article 33(3).</p> <p>The objections raised against the subject matter of claim 1 (cf. sections 2 to 2.4 above) also apply, <i>mutatis mutandis</i>, to the subject matter of claim 5.</p>
3.2	<p>The technical features are also known from D4 and D5, which disclose the technical features of a parcel system.</p> <p>Even though the administrative procedure for payment is reversed,</p> <ul style="list-style-type: none">- a franking charge is calculated (in the subject matter of claim 5);- and the order is paid for at the terminal (in D4), <p>the technical system involved is one and the same. This feature (calculating a franking charge) has nevertheless already been used for the same purpose in an equivalent system (see D1, column 1, lines 45 to 51). It is obvious for a person skilled in the art to apply this feature, with a corresponding effect, in a device according to D4/D5 and thereby obtain a device according to claim 5.</p>
4.	<p>DEPENDENT CLAIMS 2 to 4 and 6 to 17</p> <p>Said claims contain no features which, when combined with the features of any one of the claims to which they refer, meet the PCT requirements of novelty and inventive step (PCT Article 33(2) and (3)).</p>

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4.1	<p>It is obvious for a person skilled in the art to use franking rate tables, with a corresponding effect, in a device according to D4 and thereby obtain a device according to claims 2, 3 and 4.</p> <p>Similarly, administrative features such as corporate management cannot solve a technical problem.</p>
4.2	<p>The unlocking of the lockers in D4 is also based on a confidential code. Communication with the management unit is performed by means of the Profibus DP industrial terrain bus (cf. D4, column 4).</p>
5.	<p>Additional observations</p>
5.1	<p>Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in D1, D4 and D5 has not been indicated in the description, nor have said documents been cited.</p>
5.2	<p>With regard to D1 and/or D4 and D5, it is difficult to identify technical features that could solve a technical problem and involve an inventive step.</p>